



October 4, 2007

Re: Draft of proposed changes to NIGC Privacy Act regulations

Dear Tribal Leader:

Since the original National Indian Gaming Commission (NIGC) regulations were adopted, the Indian gaming industry has dramatically grown and matured, as has the Commission. During this period, a number of areas in the NIGC regulations have become obsolete or dated. Specifically, the Commission drafted amendments to the Privacy Act regulations, with the intent to publish them as proposed in the Federal Register.

In keeping with our commitment to government-to-government consultation, we are seeking tribal comments on this enclosed draft. If the Commission eventually chooses to go forward with this proposal, as drafted or as refined based on tribal input and further study, there will be opportunity for further comment.

Congress enacted the Privacy Act in 1974. The Privacy Act can generally be characterized as an omnibus "code of fair information practices" that attempts to regulate the collection, maintenance, use, and dissemination of personal information by federal executive branch agencies. The Act generally requires government agencies to show an individual any records kept on him or her. It also requires agencies to follow certain principles, called "fair information practices," when gathering and handling personal data. Finally, it places restrictions on how agencies can share an individual's data with other people and agencies. The National Indian Gaming Commission originally adopted procedures for handling Privacy Act requests on January 22, 1993. The Commission has determined that these procedures need to be updated to reflect changes in technology as well as administrative changes within the agency.

The proposed amendments make the following changes to the current regulations. Section 515.3 changes the address of the Commission, provides a list of items to include in requests to the Commission, and provides the necessary requirements for third party requests. Section 515.4 includes the Commission policy for dealing with other agencies and designates an individual responsible for making initial Privacy Act determinations. Section 515.5 explains what constitutes an adverse determination. Section 515.6 changes the time for appeals of adverse determinations from 180 days to 30 days. Section 515.8 details when the

Commission is required to provide an accounting of the records it discloses. Finally, Section 515.12 updates the list of records that are exempt from disclosure under the Privacy Act. To give you some perspective on the volume of requests received by the Commission, between 2004 and today the agency has only received three requests. Out of these requests only one was made by a tribe. Despite the low volume of request we feel it is necessary to keep these procedures current.

Enclosed is a copy of the latest working draft of the regulation. In accordance with the Commission's government-to-government consultation policy, we are soliciting your comments for ways that the draft regulations might be improved.

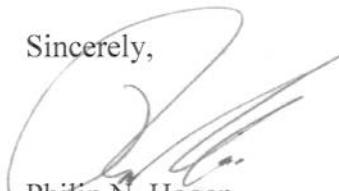
Please submit your comments by October 26, 2007.

Comments should be addressed to:

Proposed changes to NIGC Privacy Act regulations
Attention: Penny Coleman, Acting General Counsel
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, DC 20005

Thank you for consideration.

Sincerely,



Philip N. Hogen
Chairman

Enclosure